



MISSOURI ETHICS COMMISSION
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James Klahr
Executive Director

February 10, 2017

Re: Advisory Opinion No. 2017.02.CF.002

Dear

At the February 10, 2017 meeting of the Missouri Ethics Commission, your request for an opinion was discussed.

Opinion

Pursuant to §105.955.16, RSMo, the Missouri Ethics Commission may issue a written opinion regarding any issue on which the Commission can receive a complaint pursuant to §105.957, RSMo. The Commission receives complaints alleging violation of campaign finance provisions of Missouri law. This opinion is issued within the context of Missouri's laws governing such issues, and assumes the facts presented by you in your letter.

The question presented is:

Section 7(6)(c) of the newly-enacted provision of the constitution codifies a definition of a "continuing committee." Section 7(20) codifies a definition of "political action committee." Under Article VIII, Section 2, of the Missouri Constitution, are "continuing committees" and "political action committees" separate and distinct entities?

If the answer to question one is affirmative, are there any limitations in the type or class of donors that can make contributions to continuing committees and to political action committee?

If the answer to questions one is affirmative, are there any monetary limitations on the donations that may be received by continuing committees and by political action committees?

If the answer to question one is affirmative, are there any limitations on the type or class of donations that can be made by a continuing committees or by political action committee?

If the answer to question one is affirmative, what process must a political action committee take to have itself designated as a continuing committee and vice versa?

Because the definitions of continuing and political action committees are substantially the same, the Commission interprets these committees to be the same despite the fact that the constitutional provision refers to these committees in separate definitions.

The Statement of Committee Organization provides a committee type as "Continuing (PAC)" and the committees are identified as political action committees on the Commission's website.

Supporting Analysis

Article VIII, §23.7 provides definitions of campaign finance committees similar to those found in §130.011, RSMo, with the addition of a "political action committee." Continuing committees and political action committees are defined as follows:

"Continuing committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee or campaign committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter.

"Continuing committee" includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters. Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures; §23.7(6)(c).

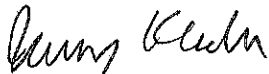
"Political action committee", a committee of continuing existence which is not formed, controlled or directed by a candidate, and is a committee other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee, whose primary or incidental purpose is to receive contributions or make expenditures to influence or attempt to influence the action of voters whether or not a particular candidate or candidates or a particular ballot measure or measures to be supported or opposed has been determined at the time the committee is required to file any statement or report pursuant to the provisions of this chapter, Such a committee includes, but is not limited to, any committee organized or sponsored by a business entity, a labor organization, a professional association, a trade or business association, a club or other organization and whose primary purpose is to solicit, accept and use contributions from the members, employees or stockholders of such entity and any individual or group of individuals who accept and use contributions to influence or attempt to influence the action of voters, Such committee shall be formed no later than sixty days prior to the election for which the committee receives contributions or makes expenditures; § 23.7 (20).

Because the definitions of continuing and political action committees are substantially the same, the Commission interprets these committees to be the same despite the fact that the constitutional provision refers to these committees in separate definitions.

The Statement of Committee Organization provides a committee type as "Continuing (PAC)" and the committees are identified as political action committees on the Commission's website.

Because the Commission opines that continuing committees and political action committees are interchangeable, the Commission is not opining on your other questions.

Sincerely,



James Klahr
Executive Director